

and the contract has not yet been awarded, then the protested concern is ineligible for an SDVO SBC contract award. If a contract has already been awarded, and SBA sustains the protest, then the contracting officer cannot count the award as an award to an SDVO SBC and the concern cannot submit another offer as an SDVO SBC on a future SDVO SBC procurement unless it overcomes the reasons for the protest (e.g., it changes its ownership to satisfy the definition of an SDVO SBC set forth in §125.8).

[70 FR 14528, Mar. 23, 2005]

**§ 125.28 What are the procedures for appealing an SDVO status protest?**

The protested concern, the protester, or the contracting officer may file an appeal of an SDVO status protest determination with OHA in accordance with part 134 of this chapter. If the contract has already been awarded and on appeal, the OHA Judge affirms that the SDVO SBC does not meet a status or ownership and control requirement set forth in these regulations, then the procuring agency cannot count the award as an award to a SDVO SBC. In addition, the protested concern cannot self-represent its status for another procurement until it has cured the eligibility issue. If a contract has not yet been awarded and on appeal the OHA Judge affirms that the protested concern does not meet the status or ownership and control requirement set forth in this part, then the protested concern is ineligible for an SDVO SBC contract award.

[70 FR 14528, Mar. 23, 2005]

**Subpart E—Penalties and Retention of Records**

SOURCE: 69 FR 25270, May 5, 2004, unless otherwise noted.

**§ 125.29 What penalties may be imposed under this part?**

(a) *Suspension or debarment.* The Agency debarring official may suspend or debar a person or concern pursuant to the procedures set forth in part 145 of this chapter. The contracting agency debarring official may debar or suspend a person or concern under the Federal

Acquisition Regulation, 48 CFR Part 9, subpart 9.4.

(b) *Civil penalties.* Persons or concerns are subject to severe civil penalties under the False Claims Act, 31 U.S.C. 3729–3733, and under the Program Fraud Civil Remedies Act, 331 U.S.C. 3801–3812, and any other applicable laws.

(c) *Criminal penalties.* Persons or concerns are subject to severe criminal penalties for knowingly misrepresenting the SDVO status of a SBC in connection with procurement programs pursuant to section 16 of the Small Business Act, 15 U.S.C. 645, as amended; 18 U.S.C. 1001; and 31 U.S.C. 3729–3733. Persons or concerns also are subject to criminal penalties for knowingly making false statements or misrepresentations to SBA for the purpose of influencing any actions of SBA pursuant to section 16(a) of the Small Business Act, 15 U.S.C. 645(a), as amended, including failure to correct “continuing representations” that are no longer true.

**PART 126—HUBZONE PROGRAM**

**Subpart A—Provisions of General Applicability**

Sec.

- 126.100 What is the purpose of the HUBZone program?
- 126.101 Which government departments or agencies are affected directly by the HUBZone program?
- 126.102 What is the effect of the HUBZone program on the section 8(d) subcontracting program?
- 126.103 What definitions are important in the HUBZone program?

**Subpart B—Requirements to be a Qualified HUBZone SBC**

- 126.200 What requirements must a concern meet to receive SBA certification as a qualified HUBZone SBC?
- 126.201 Who does SBA consider to own a HUBZone SBC?
- 126.202 Who does SBA consider to control a HUBZone SBC?
- 126.203 What size standards apply to HUBZone SBCs?
- 126.204 May a qualified HUBZone SBC have affiliates?
- 126.205 May participants in other SBA programs be certified as qualified HUBZone SBCs?
- 126.206 May non-manufacturers be certified as qualified HUBZone SBCs?